IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10505 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

==========

1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

==========

RAMKRUPAL SHIVGOVIND DANAWALA &2 - Petitioner(s)

Versus

VANITA VISHRAM - Respondent(s)

==========

Appearance :

MR. SUNIL MEHTA for MR SK BUKHARI for Petitioner No(s).: 1,2,3.

RULE NOT RECD BACK for Respondent No(s).: 1.
MR NV GANDHI for Respondent No(s).: 1.

==========

CORAM :HON'BLE MR.JUSTICE A.M.KAPADIA

Date : 07/07/2005

ORAL JUDGMENT

By filing instant petition under Article 227 of the Constitution of India, petitioner seeks to challenge the order dated 8.3.2004 recorded below application 80 in Small Cause Civil Suit No. 515 of 1987 by the learned Small Cause Court, Surat, by which the application filed by the petitioner under Order 6 Rule 17 seeking amendment in the plaint, came to be rejected.

Having heard Mr. Sunil Mehta, learned advocate for Mr. S.K.Bhukhari, learned advocate of the petitioner and Mr. N.V.Gandhi, learned advocate of the respondent and on perusal of the impugned order, according to this Court, the reason assigned by the learned Small Cause Judge that, by proposed amendment the whole nature of the Suit would be changed, does not appear to be correct and sound, therefore, the impugned order does not stand to scrutiny and deserve to be quashed and set aside by allowing this petition.

For the foregoing reasons, the petition succeeds, accordingly it is allowed. The order dated 8.3.2004 recorded below application exh.80 in Small Cause Civil Suit No. 515 of 1987 by the leaned Judge, Small Cause Court, Surat is hereby quashed and set aside, the result of which is that application exh.20 seeking amendment in the plaint is hereby granted. The petitioner to carry out the amendment within a period of 14 days from the date of receipt of the writ of this Court by the trial Court and thereafter the respondent is permitted to file additional written statement against the amended plaint. Rule is made absolute. No order as to costs. DS permitted.

(A.M.Kapadia,J)

Jayanti*